

# The Gazette of India

EXTRAORDINARY

PART II—Section 2

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## LOK SABHA

The following Bills were introduced in Lok Sabha on the 24th February, 1956:—

BILL NO. 11 OF 1955

*A Bill further to amend the Indian Penal Code, 1860.*

BE it enacted by Parliament in the Sixth Year of the Republic of India as follows:—

2. After section 170 of the Indian Penal Code, 1860, the following Short Title, Act, 19

2. After section 170 of the Indian Penal Code, 1860, the following new section shall be inserted, namely:—

Insertion of  
new section  
170A, / ct  
XLV of 1860.

“170A. *Public servant unlawfully subjecting persons to penal consequences.*—Whoever being a public servant and knowing or having reason to believe that power to subject persons to penal consequences is not vested in him either expressly or by necessary implications, does or attempts to do or is privy to the doing of any act, resulting in subjecting any person to penal consequences without trial by or order of a judicial tribunal, shall be punished with imprisonment which may extend to three years or with fine or with both.”

## STATEMENT OF OBJECTS AND REASONS

There have been cases in which public servants have abused their position by pretending to hold an office, which they know that they are not holding, and have committed acts resulting in penal consequences to persons or to the public in general. This offence

words so far as the criminal law of the land is concerned. The Press Commission have recommended the amendment of section 499 of the Indian Penal Code to cover this lacuna.

2. So far as civil liability is concerned, the position in the United Kingdom is that a faithful report in a public newspaper of a debate in either House of Parliament containing matter disparaging to the character of an individual which had been spoken in the course of a debate enjoys the same privilege as an accurate report of proceedings in a court of justice, namely, that the advantage of publicity to the community at large outweighs any private injury resulting from the publication.

3. It is necessary to define by law the privilege available to publications made in good faith of reports of proceedings of legislatures, whether in a newspaper or by wireless telegraphy. This Bill seeks to achieve that object.

FEROZE GANDHI.

NEW DELHI;  
*The 9th January, 1956.*

M. N. KAUL,  
*Secretary.*